EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION THIS DOCUMENT RELATES TO THE FOLLOWING CASES IN WAVE 1 OF OF MDL 200:	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
HARRIET BEACH v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-00476
SHARON BOGGS, et al. v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-00368
JUDITH BRUHN, et al. v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-00888
JANICE COLONNA v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-01274
MARY F. CONE v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-00261
SANDRA CYRUS v. ETHICON, INC., et al.	CIVIL ACTION FILE No. 2:12-CV-01283

Videotaped Deposition of DUANE PRIDDY, PH.D.
March 8, 2016

MR. JACKSON: Objection, calls for a legal conclusion.

A. Let's put it this way: I don't advertise myself as an expert for FDA.

BY MR. HUTCHINSON:

Q. Is there anything on your CV that reflects your expertise as a regulatory or FDA expert?

A. No.

Q. Doctor, you are not a pathologist?

A. I am not a pathologist.

Q. Not a medical doctor?

A. I am not a medical doctor.

Q. Not a toxicologist?

A. No.

Q. Not a biostatistician?

A. What?

Q. A biostatistician?

A. A biostatistician, I do a lot of statistical analysis, but bio, not a biostatistician.

Q. Are you an epidemiologist?

A. No, I'm not.

Q. Are you an expert in biomaterials?

MR. JACKSON: Objection, form.

Q. But 2014 -- or 14, rather, stands for the year, correct?

A. Correct.

Q. You used an older version of the ASTM 3895?

MR. JACKSON: Objection, form.

A. Yes.

BY MR. HUTCHINSON:

Q. Why?

A. Because I have been doing it for many years preceding '14, and once I get the lab set up doing a specific test, following a specific standard in a specific way, I just don't deviate it.

Q. Sir, did you ever compare the version, the older version that you used of 3895 to the most recent ASTM 3895 2014?

A. No.

Q. Are you aware of any changes between those two ASTM protocols?

A. I would have to study it in depth to look for those differences.

Q. But you can't tell us those differences now?

A. No.

BY MR. HUTCHINSON:

Q. So all products that you received had mesh between two stainless steel rods; is that correct?

A. That's my recollection, yes.

Q. Doctor, let's talk about the sampling that was used for the DSC. DSC is a test, by the way, right?

A. Yes.

Q. That's an analytical test?

A. It's a piece of equipment.

Q. And the purpose of the equipment is in essence to melt the product inside, fair enough?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. What's the purpose of the equipment?

A. It's to detect thermal heat flow, whether it be cooling or heating with plastic materials.

Q. But you do that by melting the plastic material, correct?

MR. JACKSON: Objection, form.

A. Not necessarily.

BY MR. HUTCHINSON:

Q. Did you melt the samples that you received

in this case?

A. At 200 degrees, that's above the melting point so they would be melted, yes.

Q. How did you make the specimen sample?

A. It was cut with scissors.

Q. In your lab or in Steve Johnson's lab?

A. Steve Johnson did the cutting.

Q. Were you supervising the cutting of the samples with Steve Johnson?

A. I was not present, but we discussed the protocol of how to collect the samples.

Q. What was the average sheet thickness of the sample?

MR. JACKSON: Objection, form.

A. I don't recall.

BY MR. HUTCHINSON:

Q. Did you ever ask Steve Johnson about what the average sheet thickness was of the sample?

A. I asked him what the thickness was.

Q. What did he tell you?

A. I don't recall. It was less than -- I don't recall.

Q. Why is that not included in your expert report?

A. Because it wasn't relevant to my opinion.

Q. Doctor, was this test sample compressed or molded into a sheet format?

A. No.

Q. Why not?

A. Because that would have given the sample another heat history, and I wanted to have the samples tested in their original use shape as monofilaments.

Q. How many times was the DSC test run?

MR. JACKSON: Objection, form.

A. It's run once, and I had him run it in pure oxygen, switching from nitrogen to oxygen, and I also asked him to run it switching from nitrogen to air, so he ran it twice for each sample.

BY MR. HUTCHINSON:

Q. Do you know how long he ran it in pure nitrogen?

A. You run it for so many minutes until the equipment is stable, get a smooth baseline. That's generally five minutes or so at 200.

Q. But my question is, do you know how long Steve Johnson ran it in pure nitrogen?

A. Whatever the standard dictates, and I

believe it's five minutes.

Q. Do you know how long Steve Johnson ran the sample or ran the test, rather, in pure oxygen?

MR. JACKSON: Objection, asked and answered.

A. It's in the data. Once you switch from nitrogen to oxygen, that's time 0, and then you run it in pure oxygen until the exotherm is over and that gives you your OIT data.

BY MR. HUTCHINSON:

Q. Let's look at Exhibit 4 and turn with me to Page 2.

A. Okay.

Q. Under "9. sampling." Do you see that?

A. Yes.

Q. 9.1 says, "The following sample preparation procedures are recommended: the test sample is compression molded into sheet format."

Did I read that correctly?

A. Absolutely.

Q. Why did you not follow that protocol?

MR. JACKSON: Objection, form.

A. Because it's recommended and, as I said previously, that would require another heat history

on the sample, and I wanted to look at pristine mesh samples in their use state. And I didn't want to alter that.

So that would have affected the results to have done it that way. And I emphasize the word "recommended," because you don't have to do it that way, it's just the recommended.

Q. I understand, but fair to say that you didn't follow the recommended sampling procedure in ASTM 3895, correct?

MR. JACKSON: Objection, form.

A. Absolutely for good reason, it would have affected the results negatively.

BY MR. HUTCHINSON:

Q. Doctor, there is nothing in your expert report about how the samples were prepared, is there?

A. Not in the report directly, no.

Q. Why did you not include that in your expert report?

A. Because it has no bearing on my opinions.

Q. Doctor, did you do any type of statistical calculations to confirm that the results you got from this test that Steve Johnson did were

statistically significant?

MR. JACKSON: Objection, form.

A. What I did do --

BY MR. HUTCHINSON:

Q. We are going to get to what you did do in a minute. I want to know the answer to my question first and then we'll get there.

MR. JACKSON: Counsel, you have to let him answer the question.

BY MR. HUTCHINSON:

Q. Did you do any type of statistical calculations to --

A. Yes.

Q. Are those statistical calculations included in your expert report?

A. No.

Q. Why not?

A. Just didn't include it.

Q. Any reason?

A. No.

Q. What type of statistical calculations did you do?

A. I had Steve Johnson extract the additives from the mesh samples and to determine if the OIT

numbers data gave a correlation with the level of antioxidant in the mesh samples. And the reason I did that is just to confirm that there's a statistical correlation between the level of antioxidant and the OIT values because if there hadn't have been, then I would have been concerned about the validity of the results.

Q. Doctor, let's look at Exhibit 4 for a minute. This is that ASTM 3895.

A. Yes.

Q. Bottom of Page 1, 4.3 states, "Unless otherwise specified, the analysis temperature used in this test has been arbitrarily set at 200 degrees C."

Do you see that?

A. Yes.

Q. That's the temperature you used?

A. Correct.

Q. You used an arbitrary number?

MR. JACKSON: Objection, form.

A. I used the number specified in the standard, yes.

BY MR. HUTCHINSON:

Q. And the number specified in the standard

A. If it is specified in the standard, yes.

BY MR. HUTCHINSON:

Q. Doctor, your report states that the mesh sample was heated to 200 degrees under pure nitrogen; is that right?

A. Yes.

Q. That's the temperature at which you conducted this aging study?

MR. JACKSON: Objection, form.

A. Correct.

BY MR. HUTCHINSON:

Q. That's also known as the accelerated aging temperature, correct?

A. Yes.

Q. That equates to roughly 392 degrees Fahrenheit?

A. Correct.

Q. That's about 300 degrees Fahrenheit above the normal temperature of a human being; is that correct?

A. Correct.

Q. And it is well above the melting point of Prolene, isn't it?

MR. JACKSON: Objection, form.

A. Yes, it is.

BY MR. HUTCHINSON:

Q. What is the melting point of Prolene?

A. 165 degrees Centigrade approximately.

Q. Doctor, moving to Page 2, at the top under Significance and Use, are you there with me?

A. Yes.

Q. It says, "The OIT is a qualitative assessment of the level (or degree) of stabilization of the material tested."

Do you see that?

A. Yes.

Q. And a qualitative test is different from a quantitative test, isn't it, sir?

A. That's correct.

Q. A qualitative test doesn't give you a lifetime prediction, does it?

MR. JACKSON: Objection, form.

BY MR. HUTCHINSON:

Q. Doctor?

A. It's standard practice to use data from these kind of tests to do lifetime predictions, realizing it's only a prediction. With that understanding that it has to be validated by actual

testing. If there's a red flag there, it will just give you a red flag. And so with that understanding, as I say, I routinely use this test for doing lifetime predictions.

Q. I understand, but with that understanding, a qualitative test does not give you lifetime predictions, does it?

MR. JACKSON: Objection, form.

A. Yeah, It gives you predictions, certainly.

BY MR. HUTCHINSON:

Q. It doesn't give you lifetime facts or lifetime specifics, does it?

MR. JACKSON: Objection, form.

A. Every time you use an accelerated test protocol to get a prediction, it's only a prediction and you have to follow it up with real life, live tests to validate.

BY MR. HUTCHINSON:

Q. And you have to follow it up with real time aging tests, correct?

MR. JACKSON: Objection, form.

A. That is correct.

BY MR. HUTCHINSON:

Q. Doctor, you wouldn't rely on a qualitative

test to determine how long a polymer would retain its physical properties, would you?

MR. JACKSON: Objection, form.

A. I would use it for predictive purposes, yes.

BY MR. HUTCHINSON:

Q. Doctor, let's move on to the top of Page 2. Under Note 2 it states, "The OIT measurement is an accelerated thermal-aging test and as such can be misleading."

Did I read that correctly?

A. Yes.

Q. What does misleading mean?

MR. JACKSON: Objection, form.

A. What they are trying to say there is, if I have different materials, say two different polypropylenes with two different stabilizer packages, one polypropylene has additive stabilizer antioxidant A in it and another one has antioxidant stabilizer package B in it and I run an OIT and I get different values, that it would be misleading for me to say that one is better than the other.

BY MR. HUTCHINSON:

Q. Did you consider this statement before

doing your testing?

MR. JACKSON: Objection, form.

A. Yes.

BY MR. HUTCHINSON:

Q. Doctor, one would never expect to use Prolene in the body at 200 degrees C, would they?

A. That's correct.

Q. In fact, you would never expect Prolene to be exposed to a hundred percent nitrogen in vivo, would you?

A. No.

Q. You'd never expect Prolene to be exposed to a hundred percent oxygen in vivo, would you?

MR. JACKSON: Objection, form.

A. Not pure oxygen. I certainly would expect it to be exposed to oxidizing species, but not a hundred percent pure oxygen, no.

BY MR. HUTCHINSON:

Q. Moving on down on Note 2, last sentence it says, "Volatile antioxidants may generate poor OIT results even though they may perform adequately at the intended use temperature of the finished product."

Did I read that correctly?

level of volatility.

If it comes through in less than 10 minutes, it is volatile. If it takes 20 minutes to come off the GC column, you know that at 200 degrees, it is not volatile. And I did the same thing for Santonox R.

Q. Doctor, did you account for the volatility of any other additives contained in Prolene?

A. No, I was focused on the antioxidant species.

Q. Did you focus any on Procol LA-10?

A. No.

Q. Did you ever focus on calcium stearate?

A. No. Those are lubricants, not antioxidants.

Q. Doctor, the intended use temperature of the finished product, what is the intended use temperature of the finished product?

MR. JACKSON: Objection, form.

A. 37 degrees C or 98.6 Fahrenheit.

BY MR. HUTCHINSON:

Q. It is not 200 degrees C, is it?

A. No.

Q. Doctor, moving on down to Note 3, "There

is no accepted sampling procedure, nor have any definitive relationships been established for comparing OIT values on field samples to those on unused products. Hence, the use of such values for determining life expectancy is uncertain and subjective."

Did I read that correctly?

A. Absolutely, yes.

Q. Doctor, what would the field sample be in this particular case?

A. The Prolene mesh.

Q. It would be an explant, correct?

MR. JACKSON: Objection, form.

A. No, it's a virgin, unused implant.

BY MR. HUTCHINSON:

Q. That's what you consider to be a field sample?

A. Yes.

Q. What's the difference between a virgin, unused piece of Prolene and an unused product?

MR. JACKSON: Objection, form.

A. There is no difference.

BY MR. HUTCHINSON:

Q. Doctor, the ASTM that you quote says

there have been no definitive relationships established for comparing values on field samples to those for unused products.

MR. JACKSON: Objection, misstates witness testimony.

BY MR. HUTCHINSON:

Q. That's what the ASTM says, correct?

A. Okay.

Q. And in fact, Doctor, there's been no definitive relationships established for comparing the OIT values of explant to mesh that's never been used in surgery; is that fair?

A. That is fair, yes.

Q. In fact, Doctor, can you stand by your opinions to a reasonable degree of scientific certainty, given that the ASTM that you used says "determining life expectancy is uncertain and subjective"?

MR. JACKSON: Objection, form.

A. I'm sorry, I don't understand that question. Would you repeat it, please?

BY MR. HUTCHINSON:

Q. Can you stand by your opinions, given that the ASTM that you used says "determining life

expectancy is uncertain and subjective"?

MR. JACKSON: Objection, form.

A. What I can say is this, the life expectancy is uncertain, that's correct.

BY MR. HUTCHINSON:

Q. And the life expectancy is also subjective, isn't it, sir?

MR. JACKSON: Objection, form.

A. All I can say is in a nutshell, this data shows that the Prolene material will not last indefinitely in the body. It is susceptible to oxidative degradation over time.

BY MR. HUTCHINSON:

Q. But the life expectancy is subjective, isn't it, sir?

MR. JACKSON: Objection, form.

A. It is subject to the conditions in the body, yes, certainly.

BY MR. HUTCHINSON:

Q. It is also subjective according to the ASTM protocol, correct?

A. It's always subjective, lifetime of any article is subject to the conditions that the part is under, exposed to.

Steve Johnson?

A. It's called a DSC pan.

Q. What is the DSC pan that Steve Johnson used made out of?

A. He told me. It's in the report and I don't recall offhand.

Q. It is in your expert report?

A. No, it's in his report to me.

Q. Steve Johnson prepared a report and gave it to you?

MR. JACKSON: Objection, form.

A. It's data. He gives me the data with a little note and it tells what the pan is, but I don't recall offhand what the pan is.

BY MR. HUTCHINSON:

Q. Where is the data that Steve Johnson gave you?

A. It would be on my computer.

Q. It is not included on this flash drive, is it, sir?

A. It probably is.

Q. Can you testify under oath that this data that Steve Johnson gave you is contained on this flash drive?

MR. JACKSON: Objection, form.

A. Not without checking to confirm for sure. I believe I put it on there.

BY MR. HUTCHINSON:

Q. Doctor, sitting here today, can you tell us the type of specimen holder that Steve Johnson used?

A. A DSC pan, and I don't recall what the metal was.

Q. Do you know if Steve Johnson used more than one specimen holder?

A. The little DSC pans are disposable. In other words, for the OIT test, he uses a specific type of pan that he knows to be, not influence the data and that's the type of pan he uses. I just don't recall offhand what the metal is.

Q. Doctor, have you done anything to determine if the specimen holder that Steve Johnson used affected the results?

MR. JACKSON: Objection, form.

A. As I say, he in the past has run tests, since he runs the OIT for me all the time, to confirm the OIT test as he runs it is unaffected by the pan that he uses. It's just I don't recall what

metal it is.

BY MR. HUTCHINSON:

Q. I understand that, Doctor, but I'm asking you, have you done anything personally to determine if the specimen holder that Steve Johnson used affected the test results?

A. I don't run DSC, so technicians do that.

Q. Have you done anything, sir, personally to determine if the specimen holder affected the results?

MR. JACKSON: Objection, asked and answered.

A. As I say, it was done in the past, on past projects.

BY MR. HUTCHINSON:

Q. I am talking about this project, sir. Have you personally done anything to determine if the specimen holder affected the results, yes or no?

MR. JACKSON: Objection, asked and answered.

A. In the sense that I made sure that he is using his standard pan under the standard operating procedures for the laboratory as an A2LA certified laboratory. They are annually audited, all their

MR. JACKSON: Objection, form.

A. Because it's not a -- it has to do with sterile medical device packages, not what's inside. So it's really not a standard that's directly applicable to this situation.

BY MR. HUTCHINSON:

Q. Doctor, fair to say you never did any real-time aging studies to confirm the accelerated aging study results that you generated, correct?

A. That is correct.

Q. All of the studies that you did are contained in your expert report; is that correct?

MR. JACKSON: Objection, form.

A. I mean, I mentioned a few minutes ago, I ran the OIT test under pure oxygen and then switching from nitrogen to air, and I believe that's the only deviation that was done that wasn't included in the report.

BY MR. HUTCHINSON:

Q. Doctor, turn with me to Page 2.

A. Of?

Q. Of Exhibit 5 which is ASTM 1980.

A. Yes.

Q. There on Page 2, note 6.4, this is a

BY MR. HUTCHINSON:

Q. "Materials which are not exposed to light during their normal life could be tested in heat aging experiments."

In fact, that's what you did, correct, a heat aging experiment, correct, on mesh?

MR. JACKSON: Objection, form.

A. Yes, I did.

BY MR. HUTCHINSON:

Q. It goes on to say, "But if temperatures are used which are considerably higher than the ones the material is exposed to under normal circumstances, the danger exists of introducing new degradation reactions."

Did I read that correct?

A. Yes, you did.

Q. Doctor, did you consider that before you did your accelerated aging tests?

A. Yes.

Q. Did you know what de la Rie said about using higher temperatures?

A. Yes.

Q. How did you account for that?

A. By stating that it is only a rough

approximation and has to be validated with actual real-time studies because of this possibility.

Q. Doctor, did you do any type of calculation regarding the Arrhenius rate reaction for polypropylene?

MR. JACKSON: Objection, form.

A. That has been done in the literature before.

BY MR. HUTCHINSON:

Q. I am asking you: Did you do any calculation for the Arrhenius rate reaction for polypropylene?

MR. JACKSON: Objection, form.

A. Not on my data, no, I couldn't, because I only ran at one temperature. I did not run at three temperatures. You have to run at three temperatures to do the Arrhenius calculations.

MR. HUTCHINSON: We can take a quick break.

THE VIDEOGRAPHER: We are now off the video record. The time is 10:01 a.m.

(Recess.)

THE VIDEOGRAPHER: We are back on the video record with Tape Number 2. The

selecting material, so they just asked me to recommend a material for a certain application. And I considered polypropylene and ruled it out, just didn't have the right properties for the application.

Q. Doctor, have you ever selected a polymer that has a lifetime warranty?

MR. JACKSON: Objection, form.

A. I don't believe so.

BY MR. HUTCHINSON:

Q. Doctor, would you ever guarantee to the recipients of these medical devices that you consulted for, would you ever guarantee to them that their material would never oxidize?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. Doctor, on Page 3 of your expert report, you reference ISOT. That stands for incipient surface oxidation time; is that correct?

A. Yes.

Q. Is ISOT in any ASTM standard?

A. It is nowhere. That is my own acronym.

Q. Doctor, you didn't use a publication to

come up with your own acronym, did you?

A. I did not.

Q. You made it up just for this experiment, didn't you?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. Where did you come up with your own acronym?

MR. JACKSON: Objection, form.

A. As I say, I have been using OIT testing for years.

BY MR. HUTCHINSON:

Q. I want to talk about ISOT.

A. Yes, I know. And as part of that, I look at the shape of the OIT curve because normally it is a nice, smooth transition with two slopes and when you get the baseline meandering around and doing strange things, you know that there's something going on that's not normal. And so I always, just for my own thought processes, identify the point to where something chemically starts to happen and I call that the incipient oxidation point.

Q. But that's something you made up?

A. I did, yes.

Q. Doctor, if you look at Page 5, it states, polypropylene is subject to degradation or weakening by oxidative agents.

A. Where are you at now?

Q. Page 5.

MR. JACKSON: Chad, can you let us know which paragraph you are on?

MR. HUTCHINSON: Yes, I'm sorry. Second paragraph, second sentence.

THE WITNESS: Okay.

BY MR. HUTCHINSON:

Q. It states, the "chemical reactions continue to occur so long as any oxidizing agents, such as those present in the human body, are present." Do you see that?

A. Yes.

Q. Doctor, what are the names of the oxidizing agents?

MR. JACKSON: Objection, form.

A. Excuse me?

Q. What are the names of the oxidizing agents that you reference here?

MR. JACKSON: Objection, form.

it affects Prolene?

A. I have not done that.

Q. Doctor, do you have any idea how many or what type of -- strike that.

Do you have any idea of the amount of enzymes, oxidizing enzymes that are secreted from the body?

MR. JACKSON: Objection, form.

A. I have never measured it, no.

BY MR. HUTCHINSON:

Q. To your knowledge, has it ever been quantified?

A. I do not know.

Q. Doctor, sitting here today, can you quantify the amount of oxidizing agents that are produced by the human body?

MR. JACKSON: Objection, asked and answered.

A. Are you asking have I done it or could it be done?

BY MR. HUTCHINSON:

Q. I am asking, have you done it?

A. I have not done it.

Q. Do you know the amount of oxidizing agents

produced by the human body?

MR. JACKSON: Objection, asked and answered.

A. No.

BY MR. HUTCHINSON:

Q. Doctor, do you have any opinions regarding the quantity of oxidizing agents it would take to oxidize Prolene?

A. Well, Prolene is an oxidizable material, so any oxidant is capable of oxidizing Prolene.

Q. My question, sir: Do you have any idea about the concentration level of oxidizing agents that it would take to oxidize Prolene?

A. Any detectable, measurable amount of an oxidizing species is capable of oxidizing Prolene.

Q. Can you quantify that, Doctor?

MR. JACKSON: Objection, form.

A. A detectable, I don't know what the detection limit of a test you want to use, but if it is detectable, it is capable of oxidizing Prolene.

BY MR. HUTCHINSON:

Q. What about a micromole, can a micromole oxidize Prolene?

MR. JACKSON: Objection, form.

Q. Let's talk about the chemistry for Santonox R.

MR. JACKSON: Chad, he wasn't through answering his question. You got to let him finish.

BY MR. HUTCHINSON:

Q. Santonox R is designed to remove free radicals when they are formed, correct?

A. I wouldn't say remove, but negate the effects of free -- interferes with free radical chain reactions.

Q. Doctor, let's look at Page 8 at the top. You reference the testing you did, the gas chromatography, mass spectroscopy, did I say that --

A. That's correct.

Q. Is that the testing that you did?

A. Yes.

Q. Did you personally do the GS-MC testing?

A. GC-MS.

Q. GC-MS testing?

A. I don't run lab equipment. Trained technicians run lab equipment. I worked with a technician to tell him how I wanted the test performed, yes.

Q. Who did the GC-MS testing, Doctor?

A. Steve Johnson.

Q. He did it too?

A. Yes, he is the technician that does GC-MS and the OIT test.

Q. Which did Steve Johnson do first, did he do the GC-MS or the DSC testing?

MR. JACKSON: Objection, form.

A. He did the OIT first and then I wanted to see if it correlated with the additives so I asked him to do GC-MS so I could see if there was a statistical correlation.

BY MR. HUTCHINSON:

Q. Let's talk about the GC-MS testing that Steve Johnson did. Did Steve Johnson's GC-MS experiment follow any standard or published procedure?

A. It followed what's called SOP, standard operating procedure. Again, all certified laboratories need SOPs for everything they do. Those SOPs are audited annually, and he followed his SOP for GC-MS.

Q. Which SOP did Mr. Johnson follow?

A. The one for GC-MS in the lab.

Q. But what number?

A. I don't -- it's probably in the lab report he sent me, but I don't have the number memorized.

Q. Doctor, did you ever touch the GC-MS equipment?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. Did you ever touch the DSC equipment?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. Have you ever even seen the GC-MS or DSC equipment?

MR. JACKSON: Objection, form.

A. Yes, I have.

BY MR. HUTCHINSON:

Q. At Steve Johnson's lab?

A. At Steve Johnson's lab. As a matter of fact I have watched him in the past run it.

Q. But you didn't watch him do this experiment --

A. No.

Q. -- that we are here about today?

A. No, I did not.

Q. Doctor, did Steve Johnson perform any controls in his GC-MS experiment?

A. Yes.

Q. What were they?

A. He always puts in an internal standard in the solvent that he extracts, the additives from the plastic, and that internal standard he looks at the size of the response and the retention time to make sure that the equipment is operating. In other words, it is a known material spiked into the solvent and if that peak is not right, he knows there's an issue.

Q. Did that generate data?

MR. JACKSON: Chad, you have to let the witness finish his answer.

BY MR. HUTCHINSON:

Q. I'm sorry, Doctor, if I interrupted you. Did that generate data?

A. What do you mean?

Q. Using the control, when Mr. Johnson used the control, did it generate any data?

A. Yes.

Q. Where is that data?

A. It would be in his GC-MS data report.

Q. Is Mr. Johnson's GC-MS data report included on the flash drive that you gave me before the deposition?

A. I believe so.

Q. Why wasn't that GC-MS data included in your expert report?

A. I included just this comment of the correlation, but I did not include the data in the report.

Q. But why not? Why didn't you include the data in your report?

A. I just didn't.

Q. Doctor, did Steve Johnson ever try to measure the concentration level of DLTDP?

A. Yes.

Q. What was the result of the concentration level of DLTDP?

A. When he ran the test, he did not see the DLTDP. He couldn't detect it.

Q. Doctor, have you personally ever tried to measure the concentration level of DLTDP in Prolene?

A. Through Steve Johnson I have attempted to do it.

Q. Do you know Dr. Howard Jordi?

A. I know there's a Jordi Lab.

Q. Do you know if the Jordi Labs ever detected DLTDP in Prolene?

A. I don't know.

Q. If Dr. Jordi's lab did detect DLTDP in Prolene, that would be inconsistent with the results of your tests, correct?

MR. JACKSON: Objection, form.

A. No.

BY MR. HUTCHINSON:

Q. I thought you told me your tests did not detect DLTDP.

A. No, I'm saying that the way the test was run, it did not detect it. He only saw a peak for the Santonox R.

Q. Doctor, is it your testimony under oath that the Prolene sample that Mr. Johnson used did not have any DLTDP in it?

A. No, it likely did. It's just the way that particular test was run, it was non-detectable. But -- yeah, that's all.

Q. It probably wasn't the best test to determine whether or not DLTDP was in the Prolene?

MR. JACKSON: Objection, form.

A. That's correct, yes.

BY MR. HUTCHINSON:

Q. Doctor, did you do any type of appropriate testing to determine the level of DLTDP in Prolene?

MR. JACKSON: Objection, form.

A. Yes, I tried to. I actually had him experiment with different conditions to try to detect the DLTDP. He did find a condition where he was able to see it. It's just not -- so it's there, it's just not reported in this data.

Q. What test did he use to detect DLTDP?

A. GC-MS, again. It's just he ran it under different conditions.

Q. Doctor, why is that information not in your expert report?

A. Because the purpose for doing it was to just make sure that it was there. I wanted to make sure it was there.

Q. And you confirmed it was there?

A. I confirmed it was there.

Q. Or rather Mr. Johnson confirmed it was there?

MR. JACKSON: Objection, form.

vivo.

Q. Doctor, do you know what the weight loss rate is for DLTDP in vivo?

A. That's what I just answered. The only thing I know is from Dr. Burkley's work.

Q. Same question for Santonox R: Do you know what the weight loss rate is for Santonox R in vivo?

A. No.

Q. Doctor, do you know what the melting point is for DLTDP?

A. Not offhand.

Q. Do you know what the melting point for Santonox R is?

A. Again, not offhand.

Q. Doctor, when we talk about the GC-MS testing, what color was the exemplar that Steve Johnson tested?

A. It's in the lab report he sent me. He listed the lot number and the color.

Q. What color was it?

A. I don't recall if it was blue or white. I'd have to look at the lab report.

Q. What temperature was the GC-MS set for?

A. It's a program. Its oven temperature is

ramped up over time because these additives, like if the oven temperature was set at 40 degrees and you injected the sample, the additive would never come through the instruments. So you've got to keep raising the temperature until it comes through.

Q. What temperature was it when the material began coming through?

MR. JACKSON: Objection, form.

A. I can't tell you precisely. I can tell you it was over 200 degrees.

BY MR. HUTCHINSON:

Q. Was a solvent used by Mr. Johnson with this GC-MS?

A. Yes.

Q. Do you know what type of solvent Mr. Johnson used?

A. Methylene chloride.

Q. Do you know what quantity of methylene chloride that Mr. Johnson used?

A. Again, it is in his lab procedure he sent me. I don't know the number offhand.

Q. Doctor, you will agree that that solvent only extracts volatile materials, correct?

MR. JACKSON: Objection, form.

this particular test right here, he couldn't see it.
BY MR. HUTCHINSON:
Q. What concentration level did Mr. Johnson find DLTDP in?
A. The particular -- I remember numbers, hundreds of parts per million.
Q. Right, but can you quantify the amount of DLTDP concentration level that Mr. Johnson found?
A. I'm sorry, the question again?
Q. Can you quantify the concentration level of the DLTDP that Mr. Johnson found?
A. As I said, it was hundreds of parts per million. I just don't remember the exact number.
Q. Did Mr. Johnson ever tell you that exact number?
MR. JACKSON: Objection, form.
A. Yes.
BY MR. HUTCHINSON:
Q. Where would that data be included?
A. In the data report.
Q. Where is the data report?
A. Should be on the flash drive.
Q. Look at Page 9 for me, please, of your expert report under Summary, Number 2.

Q. Outside the literature, have you ever seen personally a Prolene explant that has become brittled?

A. No.

Q. Or degraded?

A. No.

Q. Or oxidized?

A. No.

Q. Or lost physical properties?

MR. JACKSON: Objection, form.

A. Just in pictures in the literature.

BY MR. HUTCHINSON:

Q. In fact, you have never done any testing or analysis on the degradation of Prolene before your involvement in this case; is that correct?

MR. JACKSON: Objection, asked and answered.

A. Before involvement in the case, no.

BY MR. HUTCHINSON:

Q. Am I correct?

A. That's correct.

Q. Thank you. Doctor, you were designated in -- let's look at Exhibit 1 for me, please, it is the notice of deposition.

the last ten years on explanted meshes that show degradation.

Q. Doctor, are you aware of any clinical data that shows degradation is clinically significant?

MR. JACKSON: Objection, form.

A. Clinically, I can't equate to that, clinically significant.

BY MR. HUTCHINSON:

Q. Doctor, are you aware of any clinical data that shows degradation causes clinical harm?

A. Again, since I'm not a medical doctor, I can't equate the clinical.

Q. Are you aware of any data that shows degradation causes harm in women?

A. Any data?

Q. As a scientist.

A. Other than reading the scientific literature that I've talked about on explants.

Q. Doctor, have you concluded that Prolene is toxic?

MR. JACKSON: Objection, form.

A. I know from reading the MSDS sheets on the different additives in Prolene, I know that the colorant, the copper phthalocyanine pigment is

C E R T I F I C A T E

G E O R G I A:

HENRY COUNTY:

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 168 represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

Pursuant to Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as an independent contractor for Golkow Global Litigation Services.

I was contacted by the offices of Golkow Global Litigation Services to provide court reporting services for this deposition. I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) or (b).

I have no written contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. I will charge my usual and customary rates to all parties in the case.

This, the 9th day of March, 2016.

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MAXYNE BURSKY, CCR-2547